IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

Crl.MC.No. 5667 of 2003()

LPC.53/2002 of ASSISTANT SESSIONS COURT, PAYYANNUR

.....

PETITIONER: ACCUSED NO.8/ACCUSED NO.1 IN LPC 53/2002.

KANNUKKARAN VELIKKAKATH ABDUL RAZAK,
S/O.ABDULLA HAJI, T.P.HOUSE, MUTTOM, VIA VENGARA,
KANNUR DISTRICT.

BY ADV. SMT.M.C.BINDUMOL

RESPONDENT: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 17/08/2007, ALONG WITH CRMC NO. 5573 OF 2003 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.M.C.No.5667 of 2003

&

Crl.M.C.No.5573 of 2003

Dated this the 17th day of August, 2007

O R D E R

The Crl.M.C.No.5667/2003 was filed by the 8th accused and Crl.M.C.No.5573/2003 was filed by the 23rd accused in crime No.296/1995 of Pazhayangadi Police Station. The case of the above accused stand split up and registered as LPC 53/02. It is the case of the petitioners that co-accused has been acquitted after trial and hence there is no scope for further proceedings against them.

2. I find that the above contention cannot be entertained in view of the Full Bench decision of this court in **Moosa vs. Sub Inspector of Police (2006(1) KLT 552)**. The petitioners are directed to appear before the trial court within one month. The court below is directed to dispose of the matter at the earliest considering that the matter is an old one. It appears that pretrial detention is not required in the matter.

The Crl.M.C.s' are dismissed.

K.R.UDAYABHANU,
JUDGE

csl

K.R.UDAYABHANU, J

Crl.R.P.No.342/2000

ORDER

17th August 2007